

Wessinger-Hill, JoAnne

From: Frank R. Ellerbe III <fellerbe@robinsongray.com>
Sent: Tuesday, August 25, 2020 8:24 AM
To: Wessinger-Hill, JoAnne; Samuel Wellborn; Knowles, Alex; Bateman, Andrew; Huber, Christopher; laurapv@aol.com; John J. Pringle, Jr.; Grube-Lybarker, Carri; jake@mttlaw.com; stefandover@yahoo.com; michael.kendree@yorkcountygov.com; richard@rlwhitt.law; Hall, Roger; jim.knowlton@sim.org
Cc: Butler, David; Boyd, Jocelyn; Rate Case _7288_1504_ Correspondence
Subject: [External] RE: ORAL ARGUMENT -- IMPORTANT INFORMATION -- Docket No. 2019-290-WS -- Blue Granite Water Company [IMAN-CLIENTS.FID274454]
Attachments: Conditional Petition for Approval of Accounting Order.pdf

JoAnne:

I am writing to respond to your request for information for the upcoming oral argument in Docket 2019-290-W/S.

- 1) Sam Wellborn and I will appear for Blue Granite. I will make the argument responding to the Consumer Advocate's request for clarification.
- 2) We will not need a test run on virtual participation.
- 3) We will rely on our August 13th written response to the Consumer Advocate's request as well as the related petition for an accounting order that we filed yesterday (copy attached).
- 4) My email and telephone numbers for Thursday are: fellerbe@robinsongray.com, 803-227-1112. Sam's are swellborn@robinsongray.com and 803-231-7829.

If you need anything else from us please let me know.

Frank



FRANK ELLERBE MEMBER

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Supporting Green print wisely.

From: Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>

Sent: Friday, August 21, 2020 8:37 PM

To: Samuel J. Wellborn <swellborn@robinsongray.com>; Knowles, Alex <aknowles@ors.sc.gov>; Bateman, Andrew <abateman@ors.sc.gov>; Frank R. Ellerbe III <fellerbe@robinsongray.com>; Huber, Christopher <chuber@ors.sc.gov>; laurapv@aol.com; John J. Pringle, Jr. <jack.pringle@arlaw.com>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; jake@mttlaw.com; stefandover@yahoo.com; michael.kendree@yorkcountygov.com; richard@rlwhitt.law; Hall, Roger <RHall@scconsumer.gov>; jim.knowlton@sim.org

Cc: Butler, David <David.Butler@psc.sc.gov>; Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>

Subject: ORAL ARGUMENT -- IMPORTANT INFORMATION -- Docket No. 2019-290-WS -- Blue Granite Water Company

Importance: High

Dear Parties:

In response to a voicemail message from Roger Hall of the SC Department of Consumer Affairs concerning the procedural process for the schedule Oral Argument next week on August 27th at 10:00 a.m., I am responding to his voicemail in writing to all parties in accordance with Commission practices and policies and to avoid any possible potential for an unexpected ex parte communication (even though his request/voicemail about procedural matters would not be considered an ex parte communication).

The procedures for this Oral Argument are found in SC Regulation 103-842(B) (Petitions). Counsel for the moving or petitioning party, which is the SC Department of Consumer Affairs, shall appear and argue first. Once the moving party has presented their argument, any other parties in this Docket shall go next if they desire to present any argument in the matter. Otherwise, Counsel for the Company (Blue Granite) is next to make his argument following Consumer Affairs and other parties but prior to the ORS. The ORS is last party to argue and prior to any Reply.

Oral Arguments are like any other oral argument that you would make before the Court (i.e., it is probably similar to a summary judgment motion hearing in circuit court where you may be questioned by the Commissioners).

For planning purposes it would be helpful to have a list of counsel/parties who plan to appear and make an Oral Argument on Thursday. It would be helpful for any party to advise when returning the Virtual Hearing Form if they plan to present or make any argument on Thursday, August 27th. First, **please advise if you plan**

to make an argument on Thursday, August 27th no later than Tuesday, August 25th at noon by email “reply all.” If you don’t intend to participate, please advise as well. Thank you for your assistance.

ORDER:

- (1) Petitioner – SC Department of Consumer Affairs;
- (2) Other parties;
- (3) Company – Blue Granite Water Company;
- (3) Office of Regulatory Staff.

Since the Blue Granite Water Company hearing was one of the last in-person hearings held in the Commission prior to the state of emergencies due to COVID-19, there are some matters that need to be addressed and which are extremely important so that everyone can connect virtually.

Second, do you want a test run? Some of you may have participated in other Virtual Commission proceedings since March 2020, but some may not. If you want a virtual hearing test run with the Commission Technology Staff, we need to ASAP so that it can be scheduled.

IF YOU ARE MAKING A VIRTUAL ORAL ARGUMENT, AND WANT A TEST RUN WITH COMMISSION TECHNOLOGY STAFF BECAUSE YOU HAVE NOT DONE THIS BEFORE, PLEASE ADVISE AS SOON AS POSSIBLE SO THAT MR. RANDY ERSKINE CAN CONTACT YOU AND SET UP A TIME FOR A TEST RUN ON THE VIRTUAL SYSTEM. You can also view prior virtual hearings on the Commission’s website in its archives.

Third, do you want to file or provide any pre-argument briefing to the Commission outlining your argument and its legal basis?

PREHEARING BRIEFS, MEMORANDUMS OR MATERIALS – IF ANY, DUE WEDNESDAY, AUGUST 26TH:

Any party to this Docket desiring to file any pre-argument briefs or materials for the Commission regarding your position or legal argument is welcome to make such filing or submission but you are not required to do. It is up to you whether you want to make such a filing. If you choose to submit any brief to the

Commission concerning the Oral Arguments in this, it is requested that such filing be made no later than Wednesday, August 26th.

Fourth, but very important, we need information – both the telephone number and email address that you will using and have access to on the date of Oral Argument -- so that you, the Commission, and all parties can connect virtually on the day of the Oral Argument.

VIRTUAL HEARING INFORMATION FORM – REVIEW, CHECK, COMPLETE AND CONFIRM INFORMATION – RETURN RESPONSE DUE NO LATER THAN 8/25/2020 AT NOON:

The attached Form needs to be completed and confirmed by you as containing correct and accurate information. Information which is available from the Commission's DMS was used to start the Form (form information – response due 8/25/20 at noon). Please check for accuracy and make any corrections, changes or additions, for anyone who plans to participate and appear at the Oral Argument.

Since this hearing will be conducted virtually, Randy Erskine, parties, and Commission staff must know the email addresses of the parties, their counsel, and witnesses so that the proper information, instructions, and link can be sent to each person. The telephone number entered on the Form must be the telephone number from which that person/party/witness/counsel shall be using or calling from on the day of and during the virtual hearing. Each party or their counsel of record will receive a copy of this Form for use in connection with the virtual hearing.

You need only complete the information needed related to you, your co-counsel, participating party(s), and your witnesses.

Once you have completed your information and confirmed that all information related to you (even that pre-filled for you) is correct, please return the Form as modified or updated to David Butler and me as soon as possible but no later than Tuesday, August 25, 2020 at noon. **Please “reply all” with email or correspondence with Commission staff so that there is no inadvertent, accidental ex parte communication in this Docket, regardless if such procedural communication may be exempt by statute.**

Even though all parties should receive “by reply all” the same information that is sent to Commission staff in response to this email from a party, the Information Form will be compiled into one composite Form and then we will circulate this final Form to you for use during the hearing.

If any information provided on the Form, or appearing on the final composite Form, is incorrect or needs changes between now, your response, and the hearing day and time (such as , telephone number, email, etc.), it is the sole responsibility of the party or their counsel to promptly and immediately notify the Commission staff in writing regarding such change or correction.

You can do this by email to all parties. Please note that I have included information related to Commission staff concerning this matter on the Form for you.

VIRTUAL HEARING WILL BE LIVE STREAMED ON THE COMMISSION WEBSITE:

Please remember that the August 27th Oral Argument will also be live streamed on the Commission’s website so that the public or any others may view the hearing as if they were in attendance in the Commission Hearing Room. The Commission’s virtual hearing policy is consistent with or similar to the processes followed by the South Carolina court system which urges or recommends the use of virtual hearings due to COVID-19 issues.

PARTIES, ATTORNEYS AND WITNESSES MUST BE PREPARED TO CONNECT VIRTUALLY ON THE DAY OF THE HEARING AT LEAST ONE-HOUR PRIOR TO THE HEARING’S START TIME OF 10:00 A.M.:

You, your party/client, and witnesses who are participating in the Oral Argument will need to be prepared to connect virtually (computer/laptop) and by telephone at least forty minutes to one hour prior to the start of the Oral Argument (i.e., 9:00-9:20 a.m.). It is important to plan accordingly. This time is needed to address any unforeseen technical issues (if any) between everyone and to make sure everything is working as it intended.

QUESTIONS, COMMENTS, AND/OR RESPONSES – REMEMBER TO “REPLY ALL”:

If you should have any questions or matters that need attention, please do not hesitate to advise and reply all.

While this email may be lengthy, it was hoped that the detail will be useful to answers your questions in preparation for the upcoming Oral Argument on Thursday, August 27th, 2020. Thank you in advance for completing the Virtual Hearing Information Form. The exact media format used is subject to change up to and on the date of the hearing due to technical issues beyond control.

With kind regards, I am

Jo Anne Wessinger Hill

Jo Anne Wessinger Hill

**C. Jo Anne Wessinger Hill, Esq.
Legal Counsel to the Commission
Public Service Commission**

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The information contained in this e-mail message is public and will be filed in the Docketing Management System (DMS) for the corresponding docketed matter. Any responsive e-mail message by you should also be filed by you in the DMS for this matter. **If the reader of this message does not want certain information, which is meant to be discussed only between the parties and not Public Service Commission of South Carolina (Commission) staff, please do not use "reply all" to this message.** Any e-mail message involving the Commission or Commission staff is also subject to the provisions of Commission Order No. 2019-748 in Docket No. 2019-329-A and shall be published in the docket for this matter. If you have received this communication in error, please immediately notify us by telephone at (803) 896-5100.

